

AMENDED IN ASSEMBLY APRIL 21, 2015

AMENDED IN ASSEMBLY MARCH 26, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1424

Introduced by Assembly Member ~~Achadjian~~ Mullin

February 27, 2015

An act to amend Section 5604 of the Welfare and Institutions Code, relating to mental health.

LEGISLATIVE COUNSEL'S DIGEST

AB 1424, as amended, ~~Achadjian~~ Mullin. Mental health: community mental health board.

Existing law requires each community mental health service to have a mental health board consisting of 10 to 15 members who are appointed by the governing body, and encourages counties to appoint individuals who have experience with and knowledge of the mental health system. Existing law requires 50% of the board membership to be consumers, or the parents, spouses, siblings, or adult children of consumers, who are receiving or have received mental health services. Existing law prohibits a member of the board, or his or her spouse, from being a full-time or part-time county employee of a county mental health services, an employee of the State Department of Health Care Services, or an employee of, or a paid member of the governing body of, a mental health contract agency.

This bill would exempt from this prohibition a consumer of mental health services who obtained employment with an employer described above as a part of his or her recovery and *who* holds a position in which he or she has no interest, influence, or authority over any financial or

contractual matter concerning the employer, and would require that member to abstain from voting on any financial or contractual issue concerning his or her employer that may come before the board.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 5604 of the Welfare and Institutions Code
2 is amended to read:

3 5604. (a) (1) Each community mental health service shall
4 have a mental health board consisting of 10 to 15 members,
5 depending on the preference of the county, appointed by the
6 governing body, except that boards in counties with a population
7 of less than 80,000 may have a minimum of five members. One
8 member of the board shall be a member of the local governing
9 body. Any county with more than five supervisors shall have at
10 least the same number of members as the size of its board of
11 supervisors. Nothing in this section shall be construed to limit the
12 ability of the governing body to increase the number of members
13 above 15. Local mental health boards may recommend appointees
14 to the county supervisors. Counties are encouraged to appoint
15 individuals who have experience with and knowledge of the mental
16 health system. The board membership should reflect the ethnic
17 diversity of the client population in the county.

18 (2) Fifty percent of the board membership shall be consumers,
19 or the parents, spouses, siblings, or adult children of consumers,
20 who are receiving or have received mental health services. At least
21 20 percent of the total membership shall be consumers, and at least
22 20 percent shall be families of consumers.

23 (3) (A) In counties under 80,000 population, at least one
24 member shall be a consumer, and at least one member shall be a
25 parent, spouse, sibling, or adult child of a consumer, who is
26 receiving, or has received, mental health services.

27 (B) Notwithstanding subparagraph (A), a board in a county with
28 a population under 80,000 that elects to have the board exceed the
29 five-member minimum permitted under paragraph (1) shall be
30 required to comply with paragraph (2).

31 (b) The term of each member of the board shall be for three
32 years. The governing body shall equitably stagger the appointments

1 so that approximately one-third of the appointments expire in each
2 year.

3 (c) If two or more local agencies jointly establish a community
4 mental health service under Article 1 (commencing with Section
5 6500) of Chapter 5 of Division 7 of Title 1 of the Government
6 Code, the mental health board for the community mental health
7 service shall consist of an additional two members for each
8 additional agency, one of whom shall be a consumer or a parent,
9 spouse, sibling, or adult child of a consumer who has received
10 mental health services.

11 (d) (1) Except as provided in paragraph (2), no member of the
12 board or his or her spouse shall be a full-time or part-time county
13 employee of a county mental health service, an employee of the
14 State Department of Health Care Services, or an employee of, or
15 a paid member of the governing body of, a mental health contract
16 agency.

17 (2) A consumer of mental health services who has obtained
18 employment with an employer described in paragraph (1) as part
19 of his or her recovery and *who* holds a position in which he or she
20 does not have any interest, influence, or authority over any financial
21 or contractual matter concerning the employer may be appointed
22 to the board. The member shall abstain from voting on any financial
23 or contractual issue concerning his or her employer that may come
24 before the board.

25 (e) Members of the board shall abstain from voting on any issue
26 in which the member has a financial interest as defined in Section
27 87103 of the Government Code.

28 (f) If it is not possible to secure membership as specified in this
29 section from among persons who reside in the county, the
30 governing body may substitute representatives of the public interest
31 in mental health who are not full-time or part-time employees of
32 the county mental health service, the State Department of Health
33 Care Services, or on the staff of, or a paid member of the governing
34 body of, a mental health contract agency.

35 (g) The mental health board may be established as an advisory
36 board or a commission, depending on the preference of the county.